

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

FIFTIETH LEGISLATIVE DAY
MONDAY, MARCH 1, 2004

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 8:30 a.m.

Roll call showed all members present except Senators Hill, Marley, Noble, and Stennett, absent and formally excused by the Chair; and Senators Burkett, Cameron, Malepeai, and Schroeder, absent and excused.

The President Pro Tempore announced that the Oath of Office has previously been administered to Acting Senator Freeman Duncan, District 5.

Prayer was offered by Pastor Jim Hardenbrook, House Chaplain.

The Pledge of Allegiance was led by Jessica Cook, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 27, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Cameron was recorded present at this order of business.

March 1, 2004

The JUDICIARY AND RULES Committee reports that **S 1408** has been correctly printed.

DARRINGTON, Chairman

S 1408 was referred to the Finance Committee.

February 27, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **S 1229**, **S 1230**, and **S 1253** were delivered to the Office of the Governor at 3:20 p.m., February 27, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 27, 2004

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Will Judge to the Idaho Outfitters and Guides Licensing Board, term to expire April 20, 2006;

Marc Brinkmeyer to the Lake Pend Oreille Basin Commission, term to expire July 24, 2005

NOH, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 27, 2004

The HEALTH AND WELFARE Committee reports out **S 1293** with the recommendation that it do pass.

BRANDT, Chairman

S 1293 was filed for second reading.

February 27, 2004

The HEALTH AND WELFARE Committee reports out **S 1301** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BRANDT, Chairman

There being no objection, **S 1301** was referred to the Fourteenth Order of Business, General Calendar.

March 1, 2004

The FINANCE Committee reports out **S 1408** with the recommendation that it do pass.

CAMERON, Chairman

S 1408 was filed for second reading.

February 27, 2004

The STATE AFFAIRS Committee reports out **S 1321** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

SORENSEN, Chairman

There being no objection, **S 1321** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 27, 2004

Mr. President:

I transmit herewith **H 593, H 633, H 667, H 727, H 527, H 529, and H 647** which have passed the House.

JUKER, Chief Clerk

H 593, H 633, H 667, H 727, H 527, H 529, and H 647 were filed for first reading.

February 27, 2004

Mr. President:

I return herewith **S 1207, S 1208, S 1209, and S 1226** which have passed the House.

JUKER, Chief Clerk

S 1207, S 1208, S 1209, and S 1226 were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Burkett and Schroeder were recorded present at this order of business.

On motion by Senator Davis, seconded by Senator Burkett, by voice vote the following attaches were elected to fill the offices provided for by the *Constitution* of the State of Idaho and by statute, salaries to be fixed by **Senate Resolution 108**:

Sally Michalec Minority Administrative Assistant
Jacob Tucker Assistant Doorkeeper

Pages:

Emily Infanger, Salmon
Jessica Cook, Idaho Falls
Marette McKnight, Nampa
Alena Shea, Soda Springs
Teri Roderick, Boise
Steven Briggs, Kuna
Michelle Knox, Mountain Home
Tiffany Lee, Burley
Alex Calkins, Sandpoint

Whereupon the President Pro Tempore instructed the Sergeant at Arms to escort the attaches to the Secretary's desk at which time the Oath of Office was administered to the elected attaches and they were escorted from the Chamber.

On request by Senator Davis, granted by unanimous consent, **SCR 125**, having been held, retained its place on the calendar for Wednesday, March 3 2004.

The President Pro Tempore announced that **SCR 130** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Darrington, seconded by Senator Burkett, **SCR 130** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that **SCR 131** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Darrington, seconded by Senator Burkett, **SCR 131** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced the Transportation Committee report relative to the Gubernatorial appointment of Bruce Sweeney was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Calabretta, seconded by Senator Stegner, the Gubernatorial appointment of Bruce Sweeney as a member of the Idaho Transportation Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that **HCR 43** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Goedde, seconded by Senator Bailey, **HCR 43** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

Senator Malepeai was recorded present at this order of business.

S 1409

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1410
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2005; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO RESOURCE SHARING.

S 1411
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2005; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; DIRECTING TRANSFER OF MONEYS; AND DECLARING AN EMERGENCY FOR SECTIONS 2 AND 5 OF THIS ACT.

S 1412
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2005; PRESCRIBING BILLING METHODOLOGIES FOR STATEWIDE ACCOUNTING AND STATEWIDE PAYROLL; REQUIRING CERTAIN PURCHASES BE SUBJECT TO CERTAIN CONDITIONS; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES FROM THE DATA PROCESSING SERVICES FUND; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES FROM THE GENERAL FUND; SETTING FORTH THE CONDITIONS FOR GENERAL FUND REAPPROPRIATION; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1413
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS FOR THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE PROGRAM FOR FISCAL YEAR 2005; REAPPROPRIATING ANY UNEXPENDED AND UNENCUMBERED BALANCES; AND SETTING FORTH CONDITIONS FOR REAPPROPRIATION.

S 1414
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS FOR PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2005; REAPPROPRIATING ANY UNEXPENDED AND UNENCUMBERED BALANCES; SETTING FORTH THE CONDITIONS FOR REAPPROPRIATION; AND EXPRESSING LEGISLATIVE INTENT REGARDING RESOURCE SHARING.

S 1415
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2005; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS TO THE WATER RESOURCES ADJUDICATION FUND; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO A RATHDRUM PRAIRIE AQUIFER STUDY; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES FROM THE GENERAL FUND; AND SETTING FORTH CONDITIONS FOR GENERAL FUND REAPPROPRIATION.

S 1416
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO DRUG COURT PROGRAMS; AMENDING SECTION 6-904A, IDAHO CODE, TO PROVIDE FOR IMMUNITY UNDER THE TORT CLAIMS ACT UNDER CERTAIN CIRCUMSTANCES FOR A GOVERNMENTAL ENTITY OR EMPLOYEES FROM A CLAIM ARISING FROM AN INJURY TO A PERSON OR PROPERTY WHEN THE PERSON IS BEING SUPERVISED AS PART OF COURT IMPOSED DRUG COURT PROGRAM; AMENDING SECTION 20-227, IDAHO CODE, TO PROVIDE FOR AN ARREST WITHOUT WARRANT FOR PERSONS UNDER DRUG COURT SUPERVISION UNDER CERTAIN CIRCUMSTANCES; AND DECLARING AN EMERGENCY.

S 1417
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO ANIMAL DISEASE CONTROL; AMENDING SECTION 25-207A, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF FISH AND GAME SHALL COOPERATE WITH THE DIVISION OF ANIMAL INDUSTRIES REGARDING SPACIAL SEPARATION OF BIG GAME AND LIVESTOCK IN CERTAIN AREAS.

S 1418
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 56-1021, IDAHO CODE, TO REVISE THE DEFINITIONS OF "DO NOT RESUSCITATE PROTOCOL" AND "HEALTH CARE PROVIDER"; AMENDING SECTION 56-1026, IDAHO CODE, TO PROVIDE THAT EMERGENCY MEDICAL SERVICES PERSONNEL SHALL COMPLY WITH DNR PROTOCOL WHEN PRESENTED WITH EITHER DNR IDENTIFICATION OR, UPON TRANSFER, A WRITTEN DNR ORDER ISSUED DIRECTLY BY THE ATTENDING PHYSICIAN AND SHALL PROVIDE COMFORT CARE TO THE PERSON; AND AMENDING SECTION 56-1035, IDAHO CODE, TO REVISE THE DEPARTMENT'S RULEMAKING AUTHORITY AS IT PERTAINS TO EMERGENCY MEDICAL SERVICES PERSONNEL.

S 1419**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO THE IDAHO PRESCRIPTION DRUG PROGRAM; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 12, TITLE 56, IDAHO CODE, TO ESTABLISH THE IDAHO PRESCRIPTION DRUG PROGRAM, TO SET PROGRAM GOALS, TO DEFINE TERMS, TO PROVIDE FOR REBATE AGREEMENTS, TO SET FORTH REBATE AMOUNTS, TO PROVIDE FOR DISCOUNTED PRICES FOR QUALIFIED APPLICANTS, TO PROVIDE FOR OPERATION OF THE PROGRAM, TO PROVIDE FOR ACTION REGARDING NONPARTICIPATING MANUFACTURERS AND LABELERS, TO ESTABLISH A DEDICATED FUND, TO PROVIDE FOR ANNUAL SUMMARY REPORTS, TO SET FORTH DUTIES OF THE DEPARTMENT, TO PROVIDE FOR THIRD-PARTY CONTRACTING, TO PROVIDE FOR THE COORDINATION OF MEDICAL ASSISTANCE PROGRAMS, TO AUTHORIZE RULES AND TO AUTHORIZE THE DEPARTMENT TO SEEK NECESSARY FEDERAL WAIVERS.

S 1420**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO VOLUNTEER LIABILITY; AMENDING SECTION 6-1601, IDAHO CODE, TO DEFINE "PUBLIC SERVICE ENTITY" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 6-1605, IDAHO CODE, TO LIMIT THE LIABILITY OF CERTAIN PERSONS SERVING A PUBLIC SERVICE ENTITY AND TO PROVIDE REFERENCES TO PUBLIC SERVICE ENTITIES; AMENDING SECTION 67-2334, IDAHO CODE, TO FURTHER DEFINE THE TERM "VOLUNTEER"; AND AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2336A, IDAHO CODE, TO SET FORTH LIABILITY PROTECTION FOR VOLUNTEERS AND TO PROVIDE A LIMITATION.

S 1409, S 1410, S 1411, S 1412, S 1413, S 1414, S 1415, S 1416, S 1417, S 1418, S 1419, and S 1420 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 593 and H 633, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 667, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 727, by Education Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 527 and H 529, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 647, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

President Pro Tempore Geddes called Senator Darrington to the Chair.

H 732, H 733, H 734, H 735, H 736, and H 737, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1320, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1363, by Education Committee, was read the second time at length and filed for third reading.

H 480, by Naccarato, was read the second time at length and filed for third reading.

H 540, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

S 1404 and S 1405, by Finance Committee, were read the second time at length and filed for third reading.

S 1382, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 569, H 619, H 622, and H 618, by Business Committee, were read the second time at length and filed for third reading.

H 614 and H 615, by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1318, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes and Senator Williams arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Darrington, Davis, Duncan(Compton), Gannon, Geddes, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Pearce, Richardson, Stegner, Sweet, Williams. Total - 23.

NAYS--Calabretta, Kennedy, Malepeai, Noh, Schroeder, Sorensen, Werk. Total - 7.

Absent and excused--Goedde, Hill, Marley, Noble, Stennett. Total - 5.

Total - 35.

Whereupon the Acting President declared **S 1318** passed, title was approved, and the bill ordered transmitted to the House.

Senator Stennett was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eighth Order of Business.

Messages from the Governor

March 1, 2004

The Honorable Robert L. Geddes
President Pro Tempore of the Senate
Idaho Legislature

Dear President Pro Tempore:

I have the honor to inform you that I have appointed Linda Anderson of Boise, Idaho, to be Acting State Senator for Legislative District 21. This appointment is effective March 1, 2004, and will continue until such time as Senator Noble is able to resume his duties.

Sincerely,
/s/ Dirk Kempthorne
Governor

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, Jack Noble, State Senator, District 21, Ada County, State of Idaho, has nominated Linda Anderson of Boise, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 21, Ada County.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Linda Anderson, to the office of State Senator, District 21, Ada County, State of Idaho, for a term commencing on March 1, 2004, and continuing until such time as Senator Noble is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this first day of March, in the year of our Lord Two thousand and four and of the Independence of the United States of America, the two hundred and twenty-eighth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE
/s/ SECRETARY OF STATE BEN YSURA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The Acting President announced that the Oath of Office had been administered previously to Acting Senator Linda Anderson, and she was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1303 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Noh, Davis, and Stennett.

Whereupon the Acting President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senators Hill and Marley, absent and formally excused by the Chair; and Senator Malepeai.

The Acting President directed the Sergeant at Arms to find and present Senator Malepeai to the Senate.

Senator Malepeai was recorded present.

On request by Senator Noh, granted by unanimous consent, the Call was lifted.

The question being, "Shall **S 1303** pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1303** passed, title was approved, and the bill ordered transmitted to the House.

S 1304 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1304** passed, title was approved, and the bill ordered transmitted to the House.

S 1385 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Moved by Senator Schroeder, seconded by Senator Werk, that **S 1385** be referred to the Fourteenth Order of Business for amendment. The question being, "Shall the motion prevail?"

AYES--Burkett, Ingram, Kennedy, Malepeai, Schroeder, Stennett, Werk. Total - 7.

NAYS--Anderson(Noble), Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan(Compton), Gannon, Geddes, Goedde, Keough, Little, Lodge, McKenzie, McWilliams, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 25.

Absent and excused--Andreason, Hill, Marley. Total - 3.

Total - 35.

Whereupon the Acting President declared that the motion did not prevail.

The question being, "Shall **S 1385** pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Geddes, Goedde, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 24.

NAYS--Burkett, Gannon, Ingram, McWilliams, Noh, Schroeder, Stennett, Werk. Total - 8.

Absent and excused--Andreason, Hill, Marley. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1385** passed, title was approved, and the bill ordered transmitted to the House.

S 1386 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1386** passed, title was approved, and the bill ordered transmitted to the House.

S 1387 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1387** passed, title was approved, and the bill ordered transmitted to the House.

S 1311 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Darrington, Davis, Duncan (Compton), Gannon, Goedde, Ingram, Kennedy, Keough, Malepeai, McKenzie, McWilliams, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 24.

NAYS--Anderson (Noble), Calabretta, Geddes, Little, Lodge, Pearce, Sweet, Williams. Total - 8.

Absent and excused--Cameron, Hill, Marley. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1311** passed, title was approved, and the bill ordered transmitted to the House.

S 1274 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson(Noble), Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Darrington, Davis, Duncan(Compton), Gannon, Geddes, Goedde, Ingram, Keough, Little, Lodge, Malepeai, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Williams. Total - 26.

NAYS--Burkett, Kennedy, McKenzie, Sweet, Werk. Total - 5.

Absent and excused--Cameron, Hill, Marley, Stennett. Total - 4.

Total - 35.

Whereupon the Acting President declared **S 1274** passed, title was approved, and the bill ordered transmitted to the House.

S 1288 was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Duncan arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1288** passed, title was approved, and the bill ordered transmitted to the House.

S 1344 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1344** passed, title was approved, and the bill ordered transmitted to the House.

S 1331 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1331** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **S 1347**, **S 1358**, **S 1361**, and **S 1348** retained their place on the Third Reading Calendar for Wednesday, March 3, 2004.

S 1345 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1345** passed, title was approved, and the bill ordered transmitted to the House.

S 1333 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Bunderson, Burtenshaw, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Ingram, Little, Lodge, McKenzie, Pearce, Richardson, Sorensen, Stegner, Williams. Total - 18.

NAYS--Anderson (Noble), Andreason, Bailey, Burkett, Calabretta, Goedde, Kennedy, Keough, Malepeai, McWilliams, Noh, Schroeder, Stennett, Sweet, Werk. Total - 15.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1333** passed, title was approved, and the bill ordered transmitted to the House.

S 1396 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1396** passed, title was approved, and the bill ordered transmitted to the House.

S 1397 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1397** passed, title was approved, and the bill ordered transmitted to the House.

S 1398 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 31.

NAYS--Richardson, Sweet. Total - 2.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1398** passed, title was approved, and the bill ordered transmitted to the House.

S 1399 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1399** passed, title was approved, and the bill ordered transmitted to the House.

S 1400 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1400** passed, title was approved, and the bill ordered transmitted to the House.

S 1401 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1401** passed, title was approved, and the bill ordered transmitted to the House.

S 1402 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1402** passed, title was approved, and the bill ordered transmitted to the House.

S 1403 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--Anderson (Noble), Pearce, Richardson. Total - 3.

Absent and excused--Hill, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1403** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House Appropriations Committee bills, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 9:30 a.m., Tuesday, March 2, 2004.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary